

# **Telecommunication Tower and Antenna Ordinance**

## *City of Hahira, Georgia*

*Draft Date: 4-6-2000*

### **ARTICLE I — Purpose**

The purpose of this Ordinance is to establish guidelines for the siting of all wireless, cellular, television, and radio telecommunications towers and antennas. The goals of this Ordinance are:

To enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently; and

To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized and to promote harmonious co-existence of telecommunications towers with other land uses; and

To encourage the location of towers in non-residential areas and to minimize the total number of towers within residential areas; and

To encourage the innovative use of alternative tower structures such as church steeples, outdoor advertising signs, electric transmission towers, etc... where technologically feasible; and

To encourage the design and construction of towers and antennas to minimize adverse visual impacts and promote visual quality; and

To encourage the joint use or co-location of new and existing tower sites among service providers.

### **ARTICLE II — Definitions**

Except as specifically designated herein, all words used in this Ordinance shall be defined in The New Illustrated Book of Development Definitions (1993, Rutgers). Words not defined herein or in the above referenced text shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur. For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

Words used in the singular include the plural, and words used in the plural include the singular.

Words used in the present tense include the future tense.

The word “erected” includes the words “constructed”, “located” or “relocated”.

The words “map” or “zoning map” mean the Official Zoning Map of the City of Hahira, Georgia.

The word “parcel” includes the word “plot” or “lot”.

The word “person” includes the words “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies”, and all other legal entities.

The word “shall” is always mandatory and never discretionary.

The words “used” or “occupied” include the words “intended, arranged or designed to be used or occupied”.

*Alternative tower structure* — clock tower, bell tower, water tower, church steeple, light/power pole, electric transmission tower, man-made tree (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* — any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

*City Council* — the Mayor and City Council of the City of Hahira, Georgia.

*Co-location* — the placement of antennas of two or more service providers upon a single tower or alternative tower structure.

*Comprehensive Plan* — the Greater Lowndes Comprehensive Plan; as prepared, adopted and amended pursuant to Georgia law.

*Director of Inspections* — the director of the Hahira Inspections Department or other jointly-provided Inspections Department with local municipalities as established by interlocal agreement.

*FAA* — the Federal Aviation Administration.

*FCC* — the Federal Communications Commission.

*Geographic antenna placement area* — the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

*Governing authority* — the City Council of the City of Hahira, Georgia.

*Group Location* — a pre-determined site approved through the Special Exception process that contains more than one tower structure.

*Height* — when referring to a tower or other structure, shall mean the distance measured from ground level to the highest point on the tower structure or appurtenance.

*Inspections Department* — the Hahira Department of Inspections or other jointly-provided Inspections Department with local municipalities as established by interlocal agreement. Said Department is managed by a Director of Inspections.

*Planning Commission* — the Greater Lowndes Planning Commission.

*Pre-existing towers or antennas* — structures as set forth in Section 304 of this ordinance.

*Scenic views* — those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan or determined as such by the Planning Commission.

*Special Exception* — special use permit and review process as prescribed in the Zoning Ordinance.

*Tall Structure* — any man-made structure exceeding 25 feet in height, and in the context of this ordinance, used to support an antenna or other telecommunications device.

*Tower* — any structure, including base and foundation components, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and

other similar structures.

*Tower/Antenna Owner* — the owner of the physical tower structure and/or lessee of such tower.

*Visual quality* — the appropriate design arrangement and location of tower and/or antenna structures in relation to the built or natural environment to avoid abrupt or severe differences.

*Zoning Administrator* — the Zoning Administrator for the City of Hahira as designated by the Hahira City Council.

*Zoning Ordinance* — the officially adopted Zoning Ordinance for the City of Hahira, Georgia.

### ARTICLE III — Application of Ordinance

- 300 Interpretation. In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. The Zoning Administrator shall be the official interpreter of this Ordinance where official interpretations are needed, required or requested.
- 301 Height Thresholds. Except as set forth in Section 303 herein, the requirements of this Ordinance shall govern the location of all telecommunications towers and/or antennas that exceed a height of 50 feet within the City of Hahira.
- 302 Governmental Exemption. The provisions of this Ordinance shall not apply to governmental facilities and structures.
- 303 Amateur Radio, Receive-Only Antennas. This Ordinance shall not govern any tower or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna. Also, this ordinance shall not govern any device designed for over-the-air reception-only of television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service whose tower and/or antenna is 75 feet or less in height.
- 304 Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the provisions of this Ordinance, other than the requirements of Section 412 and 413. Any such towers or antennas shall be referred to in this Ordinance as "pre-existing towers" or "pre-existing antennas". If an additional antenna is co-located upon a pre-existing tower after adoption of this Ordinance, then fencing and landscaping requirements of Sections 409 and 410 shall be met as part of the permitting process.

### ARTICLE IV — General Provisions

- 400 Principal or Accessory Use. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to setback, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located in a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

401 Pre-application Meeting. Prior to applying for a building permit or Special Exception approval, the applicant is required to participate in a pre-application meeting with local development review staff. The purpose of this meeting shall be for fact finding and determining the correct or most feasible course of action for review and potential approval of the project. This pre-application meeting shall be scheduled at least two (2) weeks in advance.

402 Inventory of Existing Sites. To facilitate the co-location review of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall have provided to the Zoning Administrator and the Inspections Department, and to the Planning Commission as part of the Special Exception review, an updated inventory of its existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna, or receive-only antenna as described in Section 303, shall be exempt from this provision. This required inventory information shall be maintained by the Inspections Department and the Zoning Administrator in the form of a digital database that is geographically referenced and encoded as part of the City's Geographic Information System (GIS). It is the responsibility of the applicant to ensure that this inventory data is accurate and kept up to date.

The inventory shall include all such structures that are within the jurisdiction of the governing authority; within unincorporated Lowndes County that is within 5 miles of the Hahira city limits; or within one-quarter mile outside the border of Lowndes County that is also within 5 miles of the Hahira city limits. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Director of Inspections or Zoning Administrator. The Director of Inspections or Zoning Administrator may share such information with other applicants under the terms of this Ordinance, or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the Director of Inspections or Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

403 Co-location of Antennas Required. Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Inspections Department, and that no suitable alternative tower structure is available as set forth in Section 405 contained herein.

404 Co-location; Design Requirements. In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of other telecommunication antennas according to the following:

(1) For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers, and

(2) for towers 150 feet in height or greater, the structure and fenced compound shall be designed to accommodate at least three providers.

(3) for towers that are exempted from co-location, they cannot locate within a 5-mile radius of an existing tower or antenna structure governed by this ordinance, or they must locate in an area that has been set aside for group location.

405 Co-location; Availability of Suitable Existing Structures. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Director of Inspections, Zoning Administrator, and City Council that no existing tower or existing alternative tower structure

can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

- (1) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
- (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
- (4) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna.
- (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure, or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

406 Co-location; Alternative Options. If it is adequately demonstrated that antenna co-location as required above, is not possible for a given geographic antenna placement area, the following options are allowed pursuant to the Special Exception process. However, all such options shall comply with all applicable requirements of this Ordinance as well as all other applicable codes and ordinances.

- (1) Constructing a new tower, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna provided however, that all structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of 110% of the height of the tower from any residentially zoned property.
- (2) Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding non-residential structure) that is fifty (50) feet in height or greater, if the additional antenna height adds no more than twenty (20) feet to the height of the existing structure, subject to the special review provisions of Section 411.

407 Aesthetics. The guidelines set forth in this Section shall govern the design and construction of all towers and the installation of all antennas, governed by this Ordinance.

- (1) Towers/antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (2) At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
- (3) For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
- (4) Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If

lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(5) No signage or other identifying markings of a commercial nature shall be permitted upon any tower.

(6) Towers shall not be located where they will negatively affect historic structures or districts, or scenic view corridors.

408 Setbacks. The following setback requirements shall apply to all towers.

(1) Towers/antennas shall be setback a minimum distance equal to one-third of the height of the tower from its base to any public right-of-way or property line of the lot or parcel containing the tower.

(2) Guy wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements prescribed in the Zoning Ordinance.

409 Security Fencing/Anti-climbing Devices. All towers and supporting equipment governed by this Ordinance shall be enclosed by fencing not less than seven (7) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chainlink, wood or other alternative as approved through the Special Exception process.

410 Landscaping. The following landscaping requirements shall apply to all towers governed by this Ordinance.

(1) Tower facilities shall be landscaped with a landscaped area of plant materials which effectively screens the view of the tower compound. Landscaped areas shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped areas shall satisfy the minimum design and planting requirements for buffers established in the Zoning Ordinance. Where applicable, specific landscape plans shall be submitted and approved as part of the Special Exception process.

(2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

411 Review of Tower and Antenna Erection by Valdosta Regional Airport Authority and Moody AFB. If upon receipt of an application for the erection of any tower or alternative tower structure governed by this Ordinance and it is deemed by the Director of Inspections or Zoning Administrator that the proposed structure may interfere with the use of the aircraft traffic pattern around Moody AFB, or interfere with the operation of existing or proposed airport facilities, a copy of the application shall also be submitted to Moody AFB for review and recommendation.

412 Federal Requirements. All towers must meet or exceed current standards and the regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners's expense. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. Sections 41-2-7 through 41-2-17.

413 Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner, permittee or

subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the Director of Inspections concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice to the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. If the owner, permittee or lessee fails to bring the tower into compliance within the fifteen (15) days, the governing authority may remove the tower at the owner, permittee or lessee's expense. Prior to the removal of any tower, the Inspections Department may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. Sections 41-2-7 through 41-2-17.

- 414 Change of Ownership Notification. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which a structure has been erected, the tower permittee shall notify the Inspections Department of the transaction in writing within 30 days.

#### ARTICLE V — Variances and Appeals

- 500 Variances. In such instance, the City Council may approve such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of undue hardship upon a finding by the City Council that the denial of the variance presents a significant detriment to the telecommunications service provider making application, and that the denial of the variance is unsubstantially related to the public welfare.
- 501 Public Hearing Required. The City Council may take action on a requested variance at a public hearing held in conjunction with the Special Exception approval where applicable, or else take action at a public hearing that has been advertised in the same manner as a Special Exception.
- 502 Appeals. Applicants or persons aggrieved by the Zoning Administrator's interpretation of the provisions of this Ordinance, may appeal such interpretation to the City Council in the same manner as prescribed for appeals in the Zoning Ordinance.

#### ARTICLE VI — Administrative Approvals

600 General.

- (1) The Director of Inspections and Zoning Administrator may administratively approve the placement of additional antennas upon towers or alternative tower structures as set forth in Section 601.
- (2) Each applicant requesting an administrative approval under this ordinance shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography, tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, and any other information deemed by the Director of Inspections or Zoning Administrator to be necessary to assess compliance with this Ordinance and compatibility with surrounding uses. Amateur radio antennas shall meet the

requirements of the City of Hahira's adopted Building Codes. Certain documentation requirements of this Section may be waived by the Director of Inspections and Zoning Administrator for amateur radio antenna applications.

(3) If a request for administrative approval is denied, the applicant may appeal the decision to the City Council to be acted upon at a public hearing during a regularly scheduled meeting.

601 Uses Allowed by Administrative Approval. The following uses may be approved by the Inspections Department and Zoning Administrator after conducting an administrative review, and special review provisions of Section 411 where applicable:

- (1) Installation of an antenna on any alternative tower structure, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure.
- (2) Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

#### ARTICLE VII — Abandoned Towers and Antennas

700 Removal. Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove the structure and return the site back to its original condition within ninety (90) days of receipt of notice from the Inspections Department notifying the owner of such abandonment. Foundation components shall be removed to a minimum depth of 24" below original grade. If said tower or antenna is not removed within said ninety (90) days, the governing authority may, in the manner provided in O.C.G.A. Sections 41-2-8 through 41-2-17, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower.

#### ARTICLE VIII — Legal Status Provisions

800 Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater width, depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Ordinance, the provisions of such statutes or covenants shall govern.

801 Severability. In the event any article, section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The City Council hereby declares that it would have adopted the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

802 Repeal of Conflicting Resolutions and Ordinances. All Resolutions and Ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

The above ordinance approved and adopted this 6<sup>th</sup> day of April, 2000.

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*John F. Adams,  
Mayor, Hahira, Georgia*

Attest: \_\_\_\_\_  
*Susan B. Doner, City Manager*

Approved as to Form:

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*Willie Linahan, City Attorney*